

JAN 19 2007

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Attorney Docket No. 11962ROUS02U)**In the Application of:  
Wen Tong et al.

Serial No.: 09/766,267

Filed: January 19, 2001

For: FRAME STRUCTURE FOR  
VARIABLE RATE WIRELESS  
CHANNELS TRANSMITTING  
HIGH SPEED DATA§ Group Art Unit: 2616  
§ Examiner: Hanh N. Nguyen  
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<b>CERTIFICATE OF FILING BY FACSIMILE</b> I hereby certify that this correspondence is being filed via Facsimile on January 19, 2007 by transmittal to (571) 273-8300.  _____ /Bruce E. Garlick/ Bruce E. Garlick
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**RESPONSE TO SIXTH (NON-FINAL) OFFICE ACTION**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This filing is responsive to a Non-Final Office Action mailed October 20, 2006.

Applicants first note the following.

1. The subject Office Action is the Sixth Office Action that has been issued in this Application. None of the claims of the pending application have been amended based upon the cited prior art. Most of the pending claims are original.
2. This Application has been appealed twice and, during the process of each appeal prior to the appeal reaching the Board, prosecution was re-opened by the Examiner.
3. The present Office Action includes Section 101 rejections of claims 8-14. Claim 8 was previously amended in accordance with the Examiner's language that, the

Examiner represented, would cause claim 8 to comply with Section 101. The Section 101 rejection directly contradicts an agreement had between the Examiner and the Applicants' attorney.

4. In prior conversations with the Examiner, the Examiner represented that this application would be allowed over the previously cited prior art. Rejections made in this Office Action directly contradict the Examiner's representation.

5. This Office Action makes 35 U.S.C. 103(a) rejections of pending claims based upon prior art that is less relevant than previously cited prior art.

6. Applicants respectfully request that this application either be allowed in response to this filing or that it is finally rejected so that the Applicants may seek resolution by proceeding through the appeal process.